

ORDINANCE NO. 28749

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 2 OF CHAPTER 3.36 OF TITLE 3 OF THE SAN JOSE MUNICIPAL CODE BY ADDING A SECTION 3.36.205 TO EXCLUDE FROM MEMBERSHIP IN THE POLICE AND FIRE DEPARTMENT RETIREMENT PLAN A FIRE CHIEF OR POLICE CHIEF WHO HAS NO PRIOR SERVICE CREDIT IN THAT PLAN

WHEREAS, it is the desire of the City Manager and the Council that all future Fire Chiefs and Police Chiefs become members of an appropriate City retirement system; and

WHEREAS, it is the desire of the City Manager and the Council that future Fire Chiefs and Police Chiefs not become members of an inappropriate retirement system by operation of law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Chapter 3.36 of Title 3 of the San José Municipal Code is amended by adding a section to be numbered and entitled and read to read as follows:

3.36.205 Exclusion of Fire Chief and Police Chief With No Prior Service Credit in Police and Fire Department Retirement Plan.

Notwithstanding the provisions of Section 3.36.200, any person who is appointed to the position of Fire Chief or Police Chief, with an effective employment start date on or after August 1, 2010, shall not become or be a member of this Retirement System if on the effective date of such person's appointment:

- A. The person is not entitled to credit for service in this Retirement System; and

- B. The person is not entitled to redeposit withdrawn accumulated contributions pursuant to Section 3.36.710.

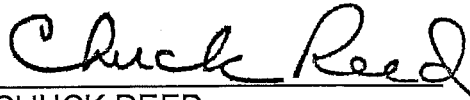
PASSED FOR PUBLICATION of title this 8th day of June, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.


CHUCK REED
Mayor

ATTEST:


LEE PRICE, MMC
City Clerk